1st March 1930]

A.—The Government have called for a report from the District Magistrate.

* Mr. A. RANGANATHA MUDALIYAR :—" May I know what are the rules which guide the Government in declaring certain classes as criminal tribes ?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :— " Notice, Sir. "

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III

ELECTION OF A MEMBER TO THE SENATE OF THE ANDHRA UNIVERSITY.

* The hon. the PRESIDENT :—" I have to announce that Mr. B. Ramachandra Reddi has been declared duly elected to the Senate of the Andhra University by the non-official members of the Madras Legislative Council resident within the University area." 11-15 a.m.

IV

BILLS.

(1) THE MALABAR TENANCY BILL.

The Council then took up the consideration of the part of the Malabar Tenancy Bill returned by His Excellency the Governor.

* The hon. the PRESIDENT :—" The question is that in clause 13, sub-clause (1), the proviso be omitted."

* Mr. E. SANKARAN UNNI :—" Mr President, I rise to a point of order. This Bill had been returned once before to this Council under section 81-A of the Government of India Act. Certain amendments were also sent with a message. The House considered those amendments and to one of the amendments was added a proviso. The Bill was afterwards passed by the House as amended and sent back. On page 235 of the Council Proceedings it will be found ' the question is that the Bill as amended be passed into law ', and this motion was adopted and the Bill was passed into law. My position is this: that the Bill having once been returned to this Council under the provisions of section 81-A of the Government of India Act, the Governor has exhausted his powers of returning and consequently the House also has exhausted its powers of reconsideration by necessary implication. I hope the House will pardon me for reading section 81-A of the Government of India Act, which runs thus :—

' Where a Bill has been passed by a local Legislative Council, the Governor, Lieutenant-Governor or Chief Commissioner may instead of declaring that he assents to or withholds his assent from the Bill return the Bill to the Council for reconsideration either in whole or in part together with any amendment which he may recommend . . .'
and so on and so forth.

" The question of reservation does not arise. The only question is, on the wording of the section is the Governor entitled to return the Bill a second time and are we entitled to consider it a second time ? My chief objection is that it will lead to a see-saw arrangement between the Governor and this Council if every time it is returned the Council were to reconsider and pass amendments of its own, the Bill will have to come back again and again. If the interpretation that is sought to be placed on the section is accepted, it will result in the Governor being enabled to return the Bill endlessly and ceaselessly. It is one of the cardinal principles of interpretation of